

TYPE II LAND DIVISION & ENVIRONMENTAL REVIEW, STAFF REPORT & DECISION

Form DS1200 PLD



Project Name: HOOD SHORT PLAT

Case Number: PLD2009-00031; SEP2009-00057; WET2009-00067

Location: 19200 block of NE 249th Street

Request: The applicant is proposing to divide approximately 15 acres located in an R-5 zoning district into three (3) 5.0 acre single-family residential lots.

Applicants: Daniel and Chelean Hood
15324 NE 90th Street
Vancouver, WA 98682

Contact Person: Lawson Land Services, Inc.
Casey Witt
113 S. Parkway Avenue
Battle Ground, WA 98604
(360) 687-0500 [phone]; (360) 687-0522 [fax]
caseyw@lawsonls.com

Property Owners: Same as applicants

DECISION

Approve Subject to Conditions

Development Services Manager's Initials: MS

Date Issued: January 14, 2010

County Review Staff:

	<u>Name</u>	<u>Phone Ext.</u>	<u>E-mail Address</u>
Planner:	Vicki Kirsher	4178	vicki.kirsher@clark.wa.gov
Engineer: (Trans. & Stormwater)	David Bottamini	4881	david.bottamini@clark.wa.gov
Engineer: (Trans. Concurrency)	David Jardin	4354	david.jardin@clark.wa.gov
Development Services Manager:	Michael Butts	4137	michael.butts@clark.wa.gov
Engineering Supervisor: (Trans. & Stormwater)	Sue Stepan P.E.	4102	sue.stepan@clark.wa.gov
Engineering Supervisor: (Trans. Concurrency)	Steve Schulte P. E.	4017	steve.schulte@clark.wa.gov
Habitat Biologist:	George Fornes	5601	george.fornes@clark.wa.gov
Wetland Biologist:	Brent Davis	4152	brent.davis@clark.wa.gov
Fire Marshal Office:	Tom Scott	3323	tom.scott@clark.wa.gov

Comp Plan Designation: Rural

Parcel Number: Lot 26 (235614) located in the southwest quarter of Section 29; Township 4 North; Range 3 East of the Willamette Meridian.

Applicable Laws:

Clark County Code Sections: 40.200 (General Provisions); 40.220.020 (Rural Districts, R-5); 40.320 (Landscaping and Screening); 40.350.020 (Transportation Concurrency); 40.350.030 (Street and Road Standards); 40.380 (Stormwater and Erosion Control); 40.440 (Habitat Conservation); 40.450 (Wetland Protection); 40.500.010 (Procedures); 40.510.020 (Type II Process); 40.540.030 (Short Plats); 40.570 (SEPA); 40.610 & 40.620 (Impact Fees); Title 14 (Buildings and Structures); 15.12 (Fire Code); Title 24 (Public Health); RCW 58.17 (State Platting Laws); and the Clark County Comprehensive Plan.

Neighborhood Association/Contact:

Property not located within identified association, but courtesy copy has been sent to:
Neighborhood Advisory Council of Clark County (NACCC)
Art Stubbs, Vice Chair
6804 NE 86th Court
Vancouver, WA 98662
Email: sixsplus8@aol.com

Vesting:

An application is reviewed against the subdivision, zoning, transportation, stormwater and other land development codes in effect at the time a fully complete application for preliminary approval is submitted. If a pre-application conference is required, the application shall earlier contingently vest on the date the fully complete pre-application is filed. Contingent vesting requires that a fully complete application for substantially the same proposal is filed within 180 calendar days of the date the county issues its pre-application conference report.

A pre-application conference on this matter was held on May 7, 2009. The pre-application was determined to be contingently vested as April 10, 2009. The fully complete application was submitted on August 12, 2009, and determined to be fully complete on August 25, 2009. Given these facts, the application is vested on April 10, 2009. There are no disputes regarding vesting.

Time Limits:

The application was determined to be fully complete on August 25, 2009. The applicant was asked to submit additional wetland information which extended the deadline by 64 days. Therefore, the County Code requirement for issuing a decision within 78 days lapses on January 14, 2010.

Public Notice:

Notice of application and likely SEPA Determination of Non-Significance (DNS) was mailed to the applicant, Neighborhood Advisory Council of Clark County Note: this site is not located within the boundaries of a recognized neighborhood association), and property owners within 500 feet of the site on November 4, 2009.

Public Comments:

On November 19, 2009, a letter was received from John Meninick, Confederated Tribes and Bands of Yakima [*Exhibit 17*]. It cites the applicability of RCW 27.53 for protection of archaeological and cultural resources, and indicates this statute should be included in the public notice under applicable code sections. The letter expresses concern for any cultural or archaeological resources that may be located in the development area.

Staff Response

See Archaeological Findings below.

Project Overview

The subject 15 acre parcel is located on the south side of NE 249th Street, approximately 2,200 feet east of NE Crawford Road. The property extends southward to NE Allworth Road. The acreage is currently vacant. There are both identified wetlands and habitat on the site.

The applicant is proposing to divide the subject property into three (3) single family residential lots containing 5.0 acres each. All resulting lots will obtain access from NE 249th Street; Lot 1 via a 20-foot access easement while Lots 2 and 3 will share a joint driveway across the flag portion of Lot 3.

The comprehensive plan designation, zoning, and uses of both the subject and surrounding properties are noted in the following table:

Compass	Comp Plan	Zoning	Current Land Use
Site	Rural	R-5	Vacant
North	Agricultural	AG-20	Agriculture
East	Rural	R-5	Acreage homesites
South	Rural	R-5	Acreage homesites
West	Rural	R-5	Acreage homesite

Staff Analysis

Staff first analyzed the proposal in light of the 16 topics from the Environmental Checklist (see list below). The purpose of this analysis was to identify any potential adverse environmental impacts that may occur without the benefit of protection found within existing ordinances.

- | | |
|---------------------------------|--|
| 1. Earth | 9. Housing |
| 2. Air | 10. Aesthetics |
| 3. Water | 11. Light and Glare |
| 4. Plants | 12. Recreation |
| 5. Animals | 13. Historic and Cultural Preservation |
| 6. Energy and Natural Resources | 14. Transportation |
| 7. Environmental Health | 15. Public Services |
| 8. Land and Shoreline Use | 16. Utilities |

Staff then reviewed the proposal for compliance with applicable code criteria and standards in order to determine whether all potential impacts will be mitigated by the requirements of the code.

Staff's analysis also reflects review of agency and public comments received during the comment period, and knowledge gained through a site visit.

Major Issues:

Only the major issues, errors in the development proposal, or justification for any conditions of approval are discussed below. Staff finds that all other aspects of this proposed development comply with the applicable code requirements and, therefore, are not discussed below.

LAND USE:**Finding 1 – Lot Standards**

Table 40.210.020-2 contains lot standards for the R-5 zoning district. The minimum lot area is 5 acres. In addition, the zone prescribes a minimum lot width of 140 feet. There is no minimum depth requirement.

Based on a review of the revised preliminary plan [*Exhibit 12A*], all three resulting lots meet the 5 acre minimum size established by the zoning district. In addition, these parcels also meet the prescribed width standard of the zone.

Finding 2 – Setbacks

Standard setback requirements for residential and incidental structures on lots within an R-5 zoning district are established in Table 40.220.020-3. Those applicable to this short plat include:

Front: 50 feet;
Interior Side: 20 feet;
Rear: 20 feet;

Accessory buildings used for agricultural purposes shall maintain a 50-foot side yard setback. A note to this effect will be placed upon the final plat (*See Condition D-13-a*).

The applicant has shown building envelopes on each of the resulting parcels. These envelopes reflect where development can occur to avoid regulated habitat and wetlands areas. In most instances, these environmentally sensitive areas necessitate setbacks greater than those noted above. The proposed envelope for Lot 3, however, does not properly reflect how front setbacks are measured on a flag lot. The final plat shall be modified to correct this deficiency (*See Condition D-1*).

To avoid any confusion at time of building permit issuance, distance of said envelopes to all property lines shall be clearly identified on the final plat (*See Condition D-2*).

Finding 3 – Landscaping

CCC 40.320.010 requires perimeter landscaping and screening between adjoining properties and uses. The degree and height of the required screening is based upon zoning of both the proposed development and the neighboring properties.

The subject 15 acre development site is bordered on the north by land located in an AG-20 zoning district. As a result, a landscape buffer is required along this portion of

the development site in accordance with Table 40.320.010-1. The prescribed buffer shall be 5-foot wide and landscaped to an L1 standard.

The L1 standard consists principally of groundcover plants; both trees and high and low shrubs are required. Shrubs and trees may be grouped. Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs and trees. Where the area to be landscaped is less than ten (10) feet deep, one (1) tree shall be provided per thirty (30) linear feet of landscaped area.

The revised preliminary plan [*Exhibit 12A*] does not show the required landscape buffer along the northern boundary. A landscape plan which includes a description of the species and size of the trees at the time of planting shall be submitted for review and approval (*See Condition D-3-a*).

The applicant shall install landscaping and irrigation according to an approved landscape plan prior to recordation of the final plat (*See Condition D-4*). It should be noted that, per CCC 40.320.030(B), verification of planting requires submission of a the approved landscape plan along with a letter signed by a licensed landscape architect certifying that landscape and irrigation have been installed according to said plan.

Finding 4 – Driveway Easements

The revised preliminary plan [*Exhibit 12A*] identifies the 20-foot easement across the flag portion of Lot 3 as an access and utility easement for Lot 2 of the short plat. It should indicate that this easement also provides access to Lot 3. This oversight shall be corrected on the final plat (*See Condition D-5*).

Finding 5 – Proximity to Agricultural Zone

In accordance with CCC 40.510.020(D)(5), all plats, building permits or development approvals issued for residential development activities on or within five hundred (500) feet of lands zoned agriculture (AG-20) shall include a disclosure regarding the property's proximity to designated resource lands. This declaration shall advise of potential conflicts between commercial agricultural activities on nearby lands and said residential development. In the case of short plats, such notice shall be provided in the Developer Covenants to Clark County (*See Condition D-12-d*).

Conclusion (Land Use): Staff concludes that the proposed preliminary plan, subject to the condition identified above, meets land use requirements of the Clark County Code.

ARCHAEOLOGY:

Finding 1 – Historic and Cultural Preservation

The entire 15 acre parcel is located within a high (80 - 100 percent) probability area for discovery of archaeological resources, as designated on the Archaeological Predictive Model Map of Clark County. As a result, an archaeological predetermination was required.

An archeological survey of the property was performed, and the predetermination report recommended no further archaeological work is necessary at this time. This report was reviewed by the Department of Archaeology and Historic Preservation (DAHP). The agency concurs with this recommendation [Exhibit 1, Tab 14]. However, a condition will be imposed that in the event any cultural resources are discovered in the course of undertaking development activity for this project, both DAHP and Clark County shall be notified (See Conditions A-1-a and D-13-b).

Conclusion (Archaeology): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the archaeology requirements of the Clark County Code.

DEPARTMENT OF ECOLOGY:

Finding 1 – Waters of the State

The Washington Department of Ecology (DOE) submitted a letter, dated November 19, 2009 [Exhibit 16]. This correspondence notes that “the proposed short plat includes impacts to wetlands and a seasonal stream which are considered waters of the state. The placement of fill into waters of the state are regulated activities under the federal and state Clean Water Acts. Further permitting may be necessary for this proposal with both Ecology and the U.S. Army Corp of Engineers.”

The applicant has been provided with a copy of the DOE letter, and is separately responsible for compliance with all state and federal regulations.

Finding 2 – Toxic Clean-up

There are no contaminated sites listed on Ecology’s “Facility Sites List” within one-half mile of the development site. However, “if environmental contamination is discovered on the site it must be reported to Ecology’s Southwest Regional Office.”

An advisory condition will be imposed requiring the developers to be alert for contamination during construction, and to notify the Department of Ecology if contamination is discovered (See Condition B-4).

Finding 3 – Water Quality

Any discharge of sediment-laden runoff or other pollutants to water of the state is a violation of state statute. It also specifies that “erosion control measures must be in place prior to any clearing, grading or construction” on site and identifies several preventative measures to be taken to ensure such discharge does not occur.” An erosion and dust control plan is required by County Code (See Conditions A-3 and B-2). Construction activities will be monitored by inspection staff to ensure compliance with the approved plan.

HABITAT:

Finding 1 – Applicability

A Department of Natural Resources (DNR) mapped type F (fish-bearing) stream flows through the southern portion of the property. According to CCC 44.440.010(C)(1)(a), a DNR type F watercourse requires a 200-foot riparian Habitat Conservation Zone (HCZ) in order to protect fish and wildlife habitat. The riparian HCZ extends 200 feet horizontally outward from the ordinary high water mark.

Finding 2 – Building Envelopes

The revised preliminary plan delineates building envelopes that are outside the riparian HCZ on the site. Staff finds this meets the exemption criterion identified in Table 40.440.010-1, row to of the Habitat Conservation Ordinance. Any revisions to the building envelopes will require additional review (*See Condition D-6*).

Conclusion (Habitat): Staff finds that the proposed preliminary plan, subject to the condition identified above, meets habitat requirements of the Clark County Code.

WETLAND:

Finding 1 – Proposal

The applicant is proposing to fill 0.05 acre of wetland and reduce wetland buffers to construct residential driveways and cross wetlands and wetland buffers with residential septic lines for a proposed short plan.

Finding 2 – Boundaries

Staff confirmed wetland and wetland buffer boundaries in a revised wetland determination map for a previously issued wetland determination (WET2009-00049). The site contains Category IV and II wetlands. The wetlands and low intensity land use wetland buffers are shown correctly on the revised preliminary plat [*Exhibit 12A*].

Finding 3 – Buffers

The preliminary plat shows 25 foot buffers on the Category IV wetlands affected by driveway and septic line construction. The buffers shown are adequate for residential development envelopes on the lots, but the driveways are a Moderate Intensity use under Table 40.450.030-5 and require a 40 foot buffer for Category IV wetlands. The final wetland mitigation plan needs to be revised to demonstrate that all buffer impacts from the driveway crossings are addressed through either buffer replacement at a 1:1 ratio or mitigation for indirect wetland impacts in accordance with CCC 40.450.040(D)(5)(b)(1) (*See Condition A-1-b-1-a*).

Finding 4 – Stormwater

The applicant has submitted a statement of feasibility for meeting stormwater standards, but has not shown any preliminary design for stormwater treatment of driveway run-off. If the final design of stormwater conveyance or treatment facilities required for compliance with CCC 40.380 increase the direct wetland impacts by more than 2,000

square feet, a Type II wetland permit will be required. This change will need to be reviewed through a Type II Post Decision Review and will also require additional consideration under SEPA. Any facilities located within wetlands and wetland buffers and associated wetland and wetland buffer impacts must be clearly described in the final mitigation plan and engineering construction plans (*See Conditions A-1-b-1-b and A-1-b-2-a*). It should be noted that any stormwater facilities located within wetlands and wetland buffers that do not meet the standards of 40.450.040(C)(4) or (D)(8) will result in wetland or wetland buffer impacts.

Finding 5 – Septic

Septic lines for proposed Lots 2 and 3 will cross Category IV wetlands. These lines need to be located within the driveway prism to the greatest extent practicable in order to minimize impacts to wetlands. The portion of the septic lines that cannot avoid wetlands will require mitigation for temporary impacts and a restoration plan for disturbed wetlands. The final mitigation plan must address impacts and mitigation for these septic lines and include specific provision to ensure that the lines are constructed as proposed (with appropriate plat notes or specific provisions in the conservation covenant) (*See Condition A-1-b-1-c*).

Finding 6 – Ditches

Ditches were excavated in the wetlands and wetland buffers sometime between 2005 and 2007 on the northern portion of the site in an apparent attempt to improve percolation for septic approval. These ditches were excavated without a wetland permit and may have both degraded wetland buffer function and altered the hydrology of the wetlands. All portions of these ditches in the wetlands and wetland buffers need to be restored at part of the mitigation plan. The final mitigation plan needs to include plans for restoring the areas disturbed by the ditching (*See Conditions A-1-b-1-d and A-1-b-2-b*).

Finding 7 – Culverts

The applicant proposes to install culverts at one of the wetland crossings. Culverts are required to maintain hydrologic continuity between wetlands that are being fragmented by the driveway. The final mitigation plan needs to include an analysis of the impact the driveway crossings will have on wetland hydrology and demonstrate that proposed cross drainage measures are adequate to maintain existing hydrology (*See Condition A-1-b-1-e*).

Conclusion (Wetlands): Based upon development site characteristics and the revised development plan, staff concludes that the proposed preliminary plat and preliminary wetland permit comply with requirements of the Wetland Protection Ordinance PROVIDED that certain conditions (identified below) are met. Therefore, requirements of the preliminary plan review criteria are satisfied.

TRANSPORTATION:

Finding 1 – Roads

NE 249th Street is a “Rural Local Access” road. The applicant is required to dedicate right-of-way along this frontage so that it meets the minimum 25-foot half-width right-of-way dedication. NE Allworth Road to the south is classified as a “Rural Minor Collector” which requires a half-width right-of-way dedication of 30 feet. The applicant has proposed the required right-of-way dedication.

Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface (See *Condition D-13-g*). Driveways longer than 300 feet shall be constructed with an approved turnaround at the terminus and approved turnouts at maximum 500-foot intervals (see the standard detail’s manual, drawing #33) (See *Conditions A-4-e and D-13-i*). Where connecting to a paved rural street, public or private, the connecting road or driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater (See *Condition D-13-g*).). Both proposed driveways shall be constructed at grades that meet sight distance standards (See *Condition D-13-h*). A Road Approach Permit must be applied for and approved for all new driveways accessing public roads that have not been previously permitted (See *Condition D-8*).

Finding 2 – Sight Distance

The applicant provided a sight distance letter dated June 19, 2009. The applicant provided analysis of sight distance at the intersection of NE 249th Street and the western driveway [Exhibit 1, Tab 14]. In addition, the applicant has submitted a sight distance analysis dated December 21, 2009, for the proposed eastern driveway approach [Exhibit 21]. In both letters, the applicant indicates vegetation should be trimmed back along NE 249th Street to the east and west of the proposed driveway approaches (See *Conditions D-12-f, D-13-n and E-1*).

The approval criteria for sight distances are found in CCC 40.350.030(B)(8). This section establishes minimum sight distances at intersections and driveways. Landscaping, trees, utility poles, and miscellaneous structures will not be allowed to impede required sight distance requirements at all proposed driveway approaches.

The applicant proposes a joint driveway to serve the proposed lots. Grading in excess of 50 cubic yards require a grading permit in compliance with CCC 14.07 (See *Condition A-5*).

Conclusion (Transportation): Staff concludes that the proposed preliminary plan, subject to conditions identified above, meets the transportation requirements of the Clark County Code.

STORMWATER:

Finding 1 – Applicability

The project is subject to the Stormwater and Erosion Control Ordinance (CCC 40.380). Projects that meet the eligibility requirements of CCC 40.260.110(B)(1) and create less than 5,000 square feet of new impervious surface are exempt from CCC 40.380.040(B) and CCC 40.380.040(C). Houses that utilize roof downspout systems to infiltrate road runoff may be deducted from area calculations. The project will result in creating more than 5,000 square feet of impervious area.

Finding 2 – Stormwater Proposal

The applicant provided a storm drainage certification of “feasibility” for the proposed Hood Short Plat dated April 8, 2009. In addition, the applicant submitted a letter dated December 21, 2009 [*Exhibit 20*] and an e-mail dated January 4, 2010 [*Exhibit 23*] in order to address how runoff from the proposed joint driveway will be managed. The applicant will be required to submit a drainage project for review of the proposed culverts and dispersion to be used to manage runoff from the joint driveway. The proposed culverts placed under the driveway shall be sized to convey runoff from the upstream properties through the site (*See Condition A-2-a*).

At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply (*See Conditions D-13-m, E-2-a, and F-1*).

If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification (*See Condition D-12-e*).

Conclusion (Stormwater): Staff concludes that the proposed preliminary stormwater plan, subject to the conditions above, is feasible. Therefore, the requirements of the preliminary plan review criteria are satisfied.

FIRE PROTECTION:

Finding 1 – Fire Marshal Review

This application was reviewed by Tom Scott in the Fire Marshal's Office. Tom can be reached at (360) 397-2375, extension 4095 or 3323. Information can be faxed to Tom at (360) 759-6063. Where there are difficulties in meeting these conditions or if additional information is required, contact Tom in the Fire Marshal's office immediately.

Finding 2 – Building Construction

Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific

requirements may be made at the time of building construction as a result of the permit review and approval process (*See Condition E-3*).

Finding 3 – Fire Flow

Fire flow in the amount of 500 gallons per minute supplied for 30 minutes duration is required for this application. Information from the water purveyor indicates that the required fire flow is available within 1,000 feet of the property line, estimated at 1,700 gpm.

Finding 4 – Fire Hydrants

Fire hydrants are required for this application. Either the indicated number or the spacing of the fire hydrants is inadequate. Hydrants shall be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads (*See Condition A-4-a*). The local fire district chief, however, approves the exact location of fire hydrants. The applicant shall contact Fire District 3 at (360) 892-2331 to arrange for approval of hydrant location (*See Condition A-4-b*).

Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection (*See Condition A-4-c*). In addition, the applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants (*See Condition A-4-d*).

Finding 5 – Fire Apparatus Access

The roadways and maneuvering areas as indicated in the application shall meet the requirements of the Clark County Road Standard. The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface and capable of supporting the imposed loads of fire apparatus (*See Condition F-2*).

Finding 6 – Fire Apparatus Turnarounds

All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout (*See Condition A-4-e*).

Conclusion (Fire Protection): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets fire protection requirements of the Clark County Code.

UTILITIES:

Finding 1 – Water Supply

The applicant is proposing to connect the resulting lots to a Clark Public Utilities (CPU) water line. The applicant has submitted a current utility review from this agency

confirming that water service is available to these parcels. Prior to final plat approval, the applicant shall provide documentation from this utility indicating that the water connections to these lots have been installed and approved (*See Condition D-9*).

Finding 2 – Sewerage

As part of the submitted materials, the applicant provided a Development Review Evaluation from the Health Department. This letter describes the general requirements for serving the development with septic systems (*See Condition D-10*). It also notes that the proposed lots have current septic site approvals. These approvals are very limited in area and require that the existing cut-off ditch be filled (*See Condition D-10-i and also Wetland Finding 6*). Field staking by an engineer or licensed will be required after the lot lines are surveyed to confirm that sufficient area will be available on each lot for on-site sewage disposal systems (*See Condition D-10-j*).

The Evaluation also indicates that the approved initial, reserve and/or existing sewage system sites shall be protected from damage due to development. These sites shall be maintained so they are covered by any impervious material and not be subject to vehicular traffic or other activity which would adversely affect the soil. A note to this effect shall be placed upon the final plat (*See Condition D-13-d*).

Finding 3 – Final Plat

For those land divisions where the use of wells and/or septic systems are proposed, the Health Department must sign the final plat prior to submittal for final plat review and recording (*See Condition D-11*).

Conclusion (Utilities): Staff finds that the proposed preliminary plan, subject to conditions identified above, meets the water and sewer service requirements of the Clark County Code.

IMPACT FEES:

Finding 1 – Impact Fees

The residential lots created by this plat will produce impacts on schools, parks, and traffic, and are subject to School (SIF) and Traffic Impact Fees (TIF) in accordance with CCC 40.610.

The site is located within:

- Rural 2 sub-area with a TIF of \$593.82 per dwelling;
- Battle Ground School District with a SIF of \$9,880.00.00 per dwelling;

Impact fees shall be paid prior to issuance of building permits for each new lot (*See Conditions D-12-g and E-4*). If a building permit application is made more than three years following the date of preliminary plat approval, impact fees will be recalculated according to the then-current ordinance rate.

SEPA DETERMINATION

As lead agency under the State Environmental Policy Act (SEPA) Rules [Chapter 197-11, Washington Administrative Code (WAC)], Clark County must determine if there are possible significant adverse environmental impacts associated with this proposal. The options include the following:

- **DS = Determination of Significance** (The impacts cannot be mitigated through conditions of approval and, therefore, require the preparation of an Environmental Impact Statement (EIS);
- **MDNS = Mitigated Determination of Non-Significance** (The impacts can be addressed through conditions of approval); or,
- **DNS = Determination of Non-Significance** (The impacts can be addressed by applying the County Code).

The likely SEPA determination of Non-Significance (DNS) in the Notice of Development Review Application issued on November 4, 2009 is hereby final.

SEPA APPEAL PROCESS:

An **appeal** of this SEPA determination and any required mitigation must be filed with the Department of Community Development within fourteen (14) calendar days from the date of this notice. The SEPA appeal fee is **\$1,493**.

A **procedural appeal** is an appeal of the determination (i.e., determination of significance, determination of non-significance, or mitigated determination of non-significance). A **substantive appeal** is an appeal of the conditions required to mitigate for probable significant issues not adequately addressed by existing County Code or other law.

Both the **procedural and substantive appeals** must be filed within fourteen (14) calendar days of this determination. Such appeals will be considered in the scheduled public hearing and decided by the Hearing Examiner in a subsequent written decision.

SEPA Appeals must be in writing and contain the following information:

1. The case number designated by the County and the name of the applicant;
2. The name and signature of each person or group (petitioners) and a statement showing that each petitioner is entitled to file an appeal as described under Section 40.510.030(H) of the Clark County Code. If multiple parties file a single petition for

review, the petition shall designate one party as the contact representative with the Development Services Manager. All contact with the Development Services Manager regarding the petition, including notice, shall be with this contact person;

3. A brief statement describing why the SEPA determination is in error.

The decision of the Hearing Examiner is final unless there is:

- A motion if filed for reconsideration within fourteen (14) days of written notice of the decision, as provided under Clark County Code, Section 251.160; or,
- An appeal with Clark County Superior Court.

Staff Contact Person: Vicki Kirsher, Planner, (360) 397-2375, ext. 4178

Responsible Official: Michael V. Butts, Development Services Manager

DECISION

Based upon the revised preliminary plan [*Exhibit 12A*], and the findings and conclusions stated above, the Development Services Manager hereby **APPROVES** this request, subject to the following conditions of approval:

CONDITIONS OF APPROVAL

A	Final Construction Review for Land Division Review & Approval Authority: Development Engineering
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Prior to construction, a Final Construction Plan shall be submitted for review and approval, consistent with the approved preliminary plan and the following conditions of approval:

A-1 Final Construction Plan - The applicant shall submit and obtain County approval of a final construction plan with the following:

- a. Archaeology - A note shall be placed on the face of the final construction plans as follows:

"If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines." (*See Archaeology Finding 1*)

b. Wetlands:

1. Final Wetland Permit approval shall be required. The final mitigation plan shall include the following:
 - a. The final wetland mitigation plan shall be revised to demonstrate that all buffer impacts from the driveway crossings are addressed under CCC 40.450.040(C)(5) and D(5)(b)(1). (See *Wetland Finding 3*)
 - b. Any stormwater facilities located within wetlands and wetland buffers and associated wetland and wetland buffer impacts shall be clearly described and addressed in the final mitigation plan. (See *Wetland Finding 4*)
 - c. The final mitigation plan shall address impacts and mitigation for septic lines on Lots 2 and 3 and include specific provisions to ensure that the lines are constructed as proposed. (See *Wetland Finding 5*)
 - d. The final mitigation plan shall include plans for restoring the wetland and wetland buffer areas disturbed by unauthorized ditching. (See *Wetland Finding 6*)
 - e. The final mitigation plan shall include an analysis of the impact the driveway crossings will have on wetland hydrology and demonstrate that proposed cross drainage measures are adequate to maintain existing hydrology. (See *Wetland Finding 7*)
2. Wetland Plan - The final wetland plan shall include the following:
 - a. Any stormwater facilities located within wetlands and wetland buffers and associated wetland and wetland buffer impacts shall be clearly described in the engineering construction plans. (See *Wetland Finding 4*)
 - b. The engineering construction plans shall include all proposed grading for restoration the wetland and wetland buffer areas disturbed by unauthorized ditching. (See *Wetland Finding 6*)

A-2 Final Stormwater Plan - The applicant shall submit and obtain County approval of a final stormwater plan for on and off-site facilities, designed in conformance to CCC 40.380 and the following conditions of approval:

- a. Stormwater runoff from the proposed joint driveway shall be managed per the stormwater code and the associated proposal reviewed and approved. The proposed culverts placed under the driveway shall be sized to convey runoff from the upstream properties through the site. The reviews shall be

done through the submittal of a drainage project application. (See *Stormwater Finding 2*)

A-3 Erosion Control Plan - The applicant shall submit and obtain County approval of a final erosion control plan designed in accordance with CCC 40.380.

A-4 Fire Marshal Requirements:

- a. Fire hydrants shall be provided such that the maximum spacing between hydrants does not exceed 700 feet and such that no lot or parcel is in excess of 500 feet from a fire hydrant as measured along approved fire apparatus access roads. (See *Fire Protection Finding 4*)
- b. The applicant shall contact Fire District 3 at (360) 892-2331 to arrange for approval of fire hydrant locations. (See *Fire Protection Finding 4*)
- c. Fire hydrants shall be provided with appropriate 'storz' adapters for the pumper connection. (See *Fire Protection Finding 4*)
- d. the applicant shall provide and maintain a three-foot clear space around the circumference of all fire hydrants. (See *Fire Protection Finding 4*)
- e. All new private driveways in excess of three hundred (300) feet in length shall be provided with an approved turnaround at the terminus. Turnouts shall be provide at intervals five hundred (500) feet or less, such that no portion of the driveway is in excess of three hundred (300) feet from an approved turnaround or turnout. (See *Fire Protection Finding 6*)

A-5 Excavation and Grading - Excavation/grading shall be performed in compliance with CCC Chapter 14.07. A grading permit is required if excavation exceeds 50 cubic yards (See *Transportation Finding 2*).

B	Prior to Construction of Development Review & Approval Authority: Development Inspection
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Prior to construction, the following conditions shall be met:

B-1 Pre-Construction Conference: Prior to construction or issuance of any grading or building permits, a pre-construction conference shall be held with the County.

B-2 Erosion Control: Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.

B-3 Erosion Control: Erosion control facilities shall not be removed without County approval.

- B-4 Contamination:** If contamination is discovered during the course of construction activities on the site, it shall be reported to the Washington Department of Ecology. Contact the Environmental Report Tracking System Coordinator at the Southwest Regional Office at (360) 407-6300 for more information. (See *Department of Ecology Finding 2*)

C	Provisional Acceptance of Development Review & Approval Authority: Development Inspection
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Prior to provisional acceptance of development improvements, construction shall be completed consistent with the approved final construction plans and the following conditions of approval:

- C-1 Wetlands and Buffers:** Permanent physical demarcation of the boundaries in a manner approved by the Development Services Manager (i.e. fencing, hedgerows, berms etc.) and posting of approved signage on each lot or at adequate intervals to locate the buffer boundaries.

D	Final Plat Review & Recording Review & Approval Authority: Development Engineering
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Prior to final plat approval and recording, the following conditions shall be met:

- D-1 Building Envelope:** The building envelope for Lot 3 shall be revised to correctly reflect how front setbacks are measured for flag lots, in accordance with Table 40.100.070-3, unless a greater setback is required to protect environmentally sensitive areas. (See *Land Use Finding 2*)
- D-2 Building Envelope:** The distance of building envelopes to property lines shall be clearly identified on the final plat. (See *Land Use Finding 2*)
- D-3 Final Landscape Plan** - The applicant shall submit and obtain county approval of final landscape plan consistent with the approved preliminary landscape plan and conditions listed below:
- a.** The final landscape plan shall identify the location, number, species and size of trees, shrubs and/or groundcover to be planted within the prescribed 5-foot L1 buffer along the north property line along NE 249th Street. (See *Land Use Finding 3*)
- D-4 Verification of the Installation of Landscape** - The applicant shall provide verification in accordance with CCC 40.320.030(B) that the required landscape has been installed in accordance with the approved landscape plan. (See *Land Use Finding 3*)
- D-5 Access Easements:** The final plat shall clearly identify which lots will be deriving access from each 20-foot access easement. (See *Land Use Finding 4*)

- D-6 Habitat:** The final plat shall clearly identify building envelopes and habitat areas on each of the resulting parcels. Any revisions to the proposed building envelopes will require additional review. (*See Habitat Finding 2*)
- D-7 Wetlands:**
- a. The wetland and buffer boundaries shall be delineated on the face of the final plat.
 - b. The applicant shall record a conservation covenant with the County Auditor that runs with the land and requires that the wetlands and buffers remain in natural state.
- D-8** A Road Approach Permit must be applied for and approved for all new driveways accessing public roads that have not been previously permitted. (*See Transportation Finding 1*)
- D-9** The applicant shall provide documentation from Clark Public Utilities that water connections to these lots have been installed and approved. (*See Utilities Finding 1*)
- D-10 On-Site Water Wells and Sewage System Requirements** - For on-site water wells and sewage system, the following requirements shall be completed: Small public water systems shall be drilled and approved by the Health Department prior to final plat approval;
- a. A 100-foot radius of protection for any wells shall be shown on the final plat map and be located within the boundaries of the land division;
 - b. The location of all existing wells (in use, not in use or abandoned) shall be indicated on the final plat map;
 - c. Each on-site sewage system shall be on the same lot it serves;
 - d. Test hole locations corresponding to the designated treatment sites shall be surveyed and indicated on the final plat map;
 - e. No public or private easements or rights-of-way shall be extended through the approved, reserve or existing on-site sewage system sites;
 - f. Provisions shall be made to prevent flow or accumulation of surface water over the area where an on-site sewage system is located;
 - g. A copy of the County approved final drainage plan shall be submitted for review; and,
 - h. All proposed lots shall have a current approved septic system site evaluation or septic system permit. Should either be allowed to expire,

subsequent approval of an on-site sewage treatment system cannot be assured and, therefore, the Health Department will not sign the final plat.

- i. The existing cut-off ditch shall be filled prior to final plat. (*See Utilities Finding 2*)
- j. Field staking by an engineer or licensed will be required after the lot lines are surveyed to confirm that sufficient area will be available on each lot for on-site sewage disposal systems. (*See Utilities Finding 2*)

D-11 Health Department Signature Requirement - The Health Department is required to sign the final plat prior to recording. (*See Utilities Finding 3*)

D-12 Developer Covenant – A “Developer Covenant to Clark County” shall be submitted for recording to include the following:

- a. Critical Aquifer Recharge Areas: "The dumping of chemicals into the groundwater and the use of excessive fertilizers and pesticides shall be avoided. Homeowners are encouraged to contact the State Wellhead Protection program at (206) 586-9041 or the Washington State Department of Ecology at 800-RECYCLE for more information on groundwater /drinking supply protection."
- b. Erosion Control: "Building Permits for lots on the plat shall comply with the approved erosion control plan on file with Clark County Building Department and put in place prior to construction."
- c. Responsibility for Stormwater Facility Maintenance: For stormwater facilities for which the county will not provide long-term maintenance, the developer shall make arrangements with the existing or future (as appropriate) occupants or owners of the subject property for assumption of maintenance to the county's Stormwater Facilities Maintenance Manual as adopted by Chapter 13.26A. The responsible official prior to county approval of the final stormwater plan shall approve such arrangements. Final plats shall specify the party(s) responsible for long-term maintenance of stormwater facilities within the Developer Covenants to Clark County. The county may inspect privately maintained facilities for compliance with the requirements of this chapter. If the parties responsible for long-term maintenance fail to maintain their facilities to acceptable standards, the county shall issue a written notice specifying required actions to be taken in order to bring the facilities into compliance. If these actions are not performed in a timely manner, the county shall take enforcement action and recover from parties responsible for the maintenance in accordance with Section 32.04.060.
- d. Land Near Agricultural Resources: Land owners and residents are hereby notified that this plat is located within 500 feet of lands zoned agriculture

(AG-20), or is in current use under Revised Code of Washington (RCW) Chapter 84.34. Therefore, the subject property is within or near designated agricultural land on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides. (See *Land Use Finding 5*)

- e. If applicable, a covenant running with the land must be recorded with the plat which provides the county inspection staff permission to inspect individual onsite stormwater systems with prior notification. (See *Stormwater Finding 2*)
- f. Sight Distance: "Vegetation shall be regularly trimmed along the frontage of NE 249th Street in order to meet sufficient sight distance for both driveway approaches." (See *Transportation Finding 2*)
- g. Impact Fees: "In accordance with CCC 40.610, the School and Traffic Impact Fees for each dwelling in this short plat are: \$9,880.00 (Battle Ground School District) and \$593.82 (Rural 2 TIF sub-area) respectively. The impact fees for lots on this plat shall be fixed for a period of three years, beginning from the date of preliminary plat approval, dated _____, and expiring on _____. Impact fees for permits applied for following said expiration date shall be recalculated using the then-current regulations and fees schedule."

D-13 Plat Notes - The following notes shall be placed on the final plat:

- a. Setbacks: Accessory buildings used for agricultural purposes shall maintain a 50-foot side yard setback (See *Land Use Finding 2*)
- b. Archaeological: "If any cultural resources and/or human remains are discovered in the course of undertaking the development activity, the Department of Archaeology and Historic Preservation in Olympia and Clark County Community Development shall be notified. Failure to comply with these State requirements may constitute a Class C Felony, subject to imprisonment and/or fines."
- c. Building Envelope Note: If any development activity or ground disturbance occurs outside of the building envelopes represented on the final plat, an additional archaeological predetermination survey will be required for the area impacted.

- d. Septic Systems: "The approved, initial, reserve, and/or existing sewage system sites shall be protected from damage due to development. All sites shall be maintained so they are free from encroachment by buildings and not be subject to vehicular traffic or other activity which would adversely affect the site or system function."
- e. Wetland Covenants: "Clark County Wetland Protection Ordinance (Clark County Code Chapter 40.450) requires wetlands and wetland buffers to be maintained in a natural state. Refer to the Conservation Covenant recorded in conjunction with this plat for limitations on the maintenance and use of the wetland and wetland buffer areas identified on the face of this plat."
- f. Utilities: "An easement is hereby reserved under and upon the exterior six (6) feet at the front boundary lines of all lots for the installation, construction, renewing, operating and maintaining electric, telephone, TV, cable, water and sanitary sewer services. Also, a sidewalk easement, as necessary to comply with ADA slope requirements, shall be reserved upon the exterior six (6) feet along the front boundary lines of all lots adjacent to public streets."
- g. Driveways: "Driveways shall have a minimum width of 12 feet of clear, unobstructed driving surface. Where connecting to a paved rural street, public or private, the driveway shall be paved 20 feet back from the edge of the nearest travel lane or right-of-way, whichever is greater." (See *Transportation Finding 1*)
- h. Sight Distance: Both proposed driveways shall be constructed at grades that meet sight distance standards. (See *Transportation Finding 1*)
- i. Driveways longer than 300 feet shall be provided with an approved turnaround at the terminus. There shall also be approved turnouts constructed such that the maximum distance from turnout to turnout or from turnout to turnarounds does not exceed 500 feet." (See *Transportation Finding 1*)
- j. Driveways: "No direct access is allowed onto the following streets: "NE Allworth Road".
- k. Driveways: "All residential driveway approaches entering public roads are required to comply with CCC 40.350."
- l. Privately Owned Stormwater Facilities: "The following party(s) is responsible for long-term maintenance of the privately owned stormwater facilities: _____."

- m. Stormwater: "At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply." (See *Stormwater Finding 2*)
- n. Sight Distance: "Vegetation shall be regularly trimmed along the frontage of NE 249th Street in order to maintain sufficient sight distance for both driveway approaches." (See *Transportation Finding 2*)

E	Building Permits
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	Review & Approval Authority: Customer Service
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Prior to issuance of a building permit, the following conditions shall be met:

- E-1** Sight Distance: Vegetation shall be trimmed along the frontage of NE 249th Street in order to meet sufficient sight distance for the respective driveway approach upon which the building permit will be issued. (See *Transportation Finding 2*)
- E-2** Stormwater and Erosion Control:
 - a. At the time of building permit application, the home owner must submit a plan for drainage project review and obtain approval for the onsite stormwater control system, unless the stormwater control system for the lot is pre-designed and approved with the preliminary or a final stormwater plan, or demonstrate CCC 40.380.040(B) and CCC 40.380.040(C) do not apply. (See *Stormwater Finding 2*)
 - b. Prior to construction, erosion/sediment controls shall be in place. Sediment control facilities shall be installed that will prevent any silt from entering infiltration systems. Sediment controls shall be in place during construction and until all disturbed areas are stabilized and any erosion potential no longer exists.
 - c. Erosion control facilities shall **not** be removed without County approval.
- E-3** Building construction occurring subsequent to this application shall be in accordance with the provisions of the county's building and fire codes. Additional specific requirements may be made at the time of building construction as a result of the permit review and approval process. (See *Fire Protection Finding 2*)
- E-4** **Impact Fees** - The applicant shall pay impact fees based on the number of dwelling units, as follows:
 - a. \$9,8880.00 per dwelling for School Impact Fees (Battle Ground School District);

- b. \$593.82 per dwelling for Traffic Impact Fees (Rural 2 TIF Sub-area);

If the building permit application is made more than three years following the date of preliminary land division plan approval, the impact fees shall be recalculated according to the then-current rate.

F	Occupancy Permits
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Review & Approval Authority: Building
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Prior to issuance of an occupancy permit, the following conditions shall be met:

- F-1 Engineering:** Installation of the approved onsite stormwater control system shall receive final approval. (*See Stormwater Finding 2*)
- F-2 Fire Marshal** - The applicant shall provide an unobstructed vertical clearance of not less than 13.5 feet with an all weather driving surface capable of supporting the imposed loads of fire apparatus. (*See Fire Protection Finding 5*)

G	Development Review Timelines & Advisory Information
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Review & Approval Authority: None - Advisory to Applicant
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- G-1 Land Division** - Within 5 years of preliminary plan approval, a Fully Complete application for Final Plat review shall be submitted.
- G-2 Department of Ecology Permit for Construction Stormwater** - A permit from the Department of Ecology (DOE) is required If:
- The construction project disturbs one or more acres of land through clearing, grading, excavating, or stockpiling of fill material; **AND**
 - There is a possibility that stormwater could run off the development site during construction and into surface waters or conveyance systems leading to surface waters of the state.

The cumulative acreage of the entire project whether in a single or in a multiphase project will count toward the one acre threshold. This applies even if the applicant is responsible for only a small portion [less than one acre] of the larger project planned over time. **The applicant shall Contact the DOE for further information.**

- G-3 Building and Fire Safety:** Building and Fire, Life, and Safety requirements must be addressed through specific approvals and permits. This decision may reference general and specific items related to structures and fire, life, and safety conditions, but they are only for reference in regards to land use conditions. It is the responsibility of the owner, agent, tenant, or applicant to insure that Building Safety and Fire Marshal requirements are in compliance or brought into

compliance. Land use decisions do not waive any building or fire code requirements.

H	Post Development Requirements Review & Approval Authority: As specified below
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H-1 None

Note: The Development Services Manager reserves the right to provide additional comment and findings of fact regarding this decision, if appealed.

Decision Appeal Process:

An **appeal** of any aspect of this decision may be appealed to the County Hearing Examiner only by a party of record. A "Party of Record" includes the applicant and those individuals who submitted written testimony to the Development Service Manager within the designated comment period.

The appeal shall be filed with the Department of Community Development, Permit Services Center, 1300 Franklin Street, Vancouver, Washington, 98668, within fourteen (14) calendar days from the date the notice of final land use decision is mailed to parties of record. This decision was mailed on January 14, 2010. Therefore any appeal must be received in this office by 12:00 p.m. (noon) on January 28, 2010.

Any appeal of the final land use decisions shall be in writing and contain the following:

- Case number designated by the County;
- Name of the applicant;
- Name of each petitioner;
- Signature of each petitioner or his or her duly authorized representative;
- A statement showing the following:
 - That each petitioner is entitled to file the appeal as an interested party in accordance with CCC 40.510.030(H);
 - The specific aspect(s) of the decision being appealed;
 - The reasons why each aspect is in error as a matter of fact or law;
 - The evidence relied on to prove the error; and,
- The appeal fee of **\$5,240** (Planning = \$4,826 + Engineering = \$414).

An appeal of any aspect of the Hearing Examiner's decision, except the SEPA determination (i.e., procedural issues), may be appealed to the Superior Court or reconsidered by the Hearing Examiner only by a party of record pursuant to Ordinance 10-19, adopted 10/27/2009 by the Board of County Commissioners.

Attachments:

- Copy of Revised Preliminary Plan

A copy of the approved preliminary plan, SEPA Checklist and Clark County Code are available for review at:

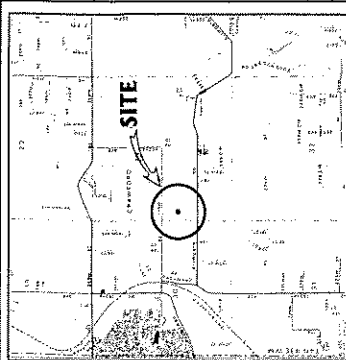
**Public Service Center
Department of Community Development
1300 Franklin Street
P.O. Box 9810
Vancouver, WA. 98666-9810
Phone: (360) 397-2375; Fax: (360) 397-2011**

A copy of the Clark County Code is also available on our Web Page at:
Web Page at: <http://www.clark.wa.gov>

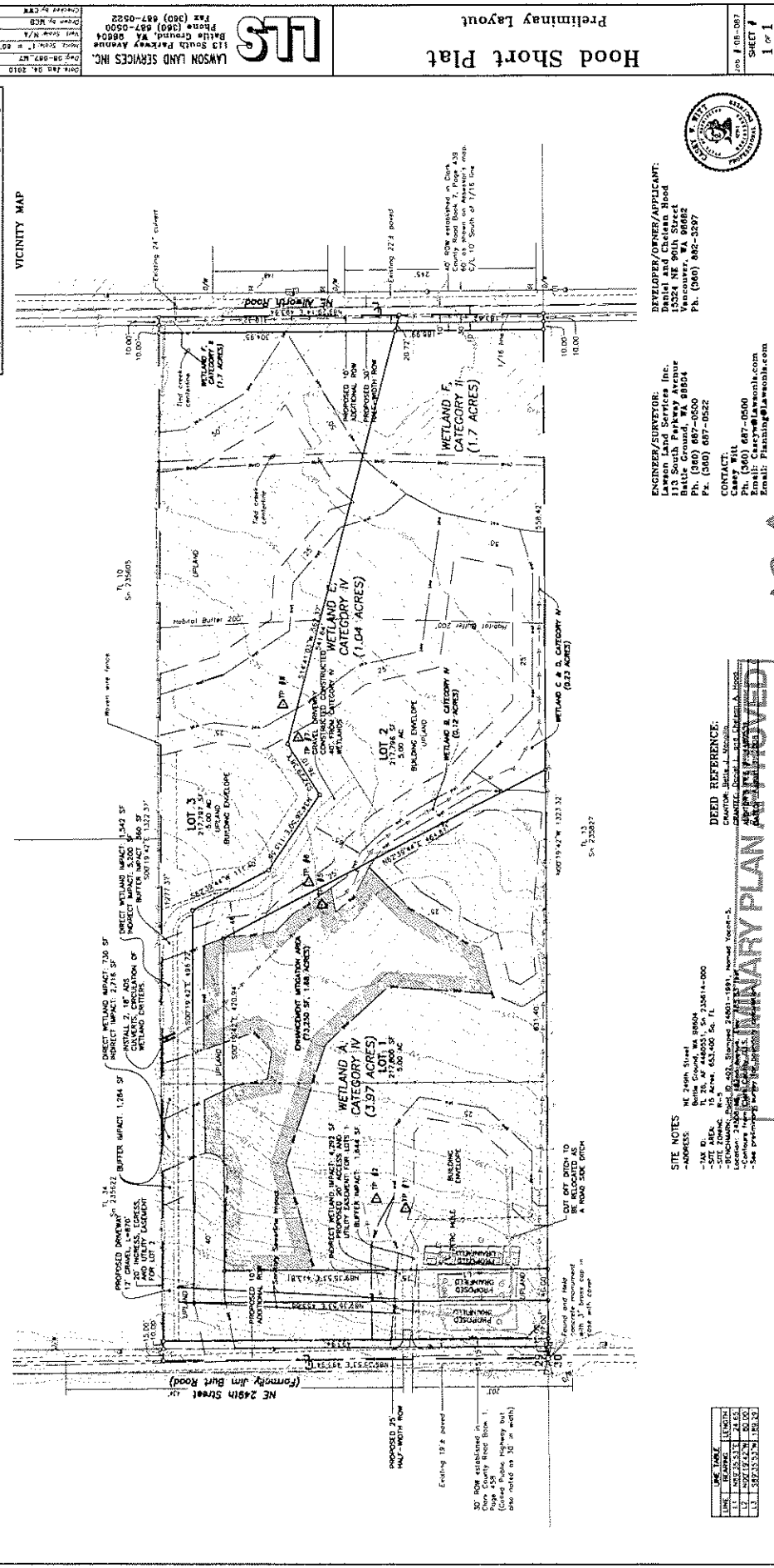
Hood Short Plat

A Preliminary Short Plat in the SW 1/4
of Section 29, T4N, R3E, W.M.
Clark County, WA

DATE:	BY:	APP:
08/28/08	BT	



- LEGEND**
- EXISTING**
- UTILITY POLE
 - WATER VALVE
 - WATER METER
 - SEWER MANHOLE
 - SEWER TRANSFORMER
 - PERM TEST HOLE
 - DRAINAGE DRAINAGE FLAG
 - UTILITY POLE
 - DRIVE
 - ORDINARY HIGH WATER
 - ASPHALT PAVEMENT



ENGINEER/SURVEYOR:
Clark County Surveyors, Inc.
113 South Parkway Avenue
Battle Ground, WA 98604
Ph: (360) 687-0500
Fax: (360) 687-0522

DEVELOPER/OWNER/APPLICANT:
Clark County Surveyors, Inc.
113 South Parkway Avenue
Battle Ground, WA 98604
Ph: (360) 687-0500
Fax: (360) 687-0522

CONTACT:
Casey Hill
Clark County Surveyors, Inc.
113 South Parkway Avenue
Battle Ground, WA 98604
Email: Planning@clarksurveyors.com

DEED REFERENCE:
GRANTOR: Clark County Surveyors, Inc.
GRANTEE: Clark County Surveyors, Inc.
CLERK: Clark County Surveyors, Inc.

SITE NOTES:
- NE 24th Street
- 1/4 Section 29, T4N, R3E, W.M.
- 1/4 Section 29, T4N, R3E, W.M.
- 1/4 Section 29, T4N, R3E, W.M.
- 1/4 Section 29, T4N, R3E, W.M.

LINE	BEARING	LENGTH
1	N 87° 25' 31" E	24.45
2	S 87° 25' 31" E	24.45
3	S 87° 25' 31" E	24.45

REVISED
1015109

Subject to Conditions EXHIBIT # 12A
Case# P2009-0003 Exhibit# 12A
Initial BN Date 1/14/10